

SENATE COMMERCE AND HUMAN RESOURCES COMMITTEE

ADMINISTRATIVE RULES REVIEW

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IDAPA 07 - DIVISION OF BUILDING SAFETY

07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS

DOCKET NO. 07-0701-0501

NOTICE OF RULEMAKING - TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2005.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 54-5004(1) and 54-5005(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of the supporting reasons for adopting the temporary rule:

The temporary rulemaking is necessary to clarify the building codes pertaining to HVAC installations. The rulemaking will provide consistency between statutes and rules for purposes of enforcement. Because inspections are to begin January 1, 2005 it is necessary for the rule to be promulgated as temporary to protect the public safety.

The temporary rulemaking will also establish requirements for specialty journeyman certification, and requirements for apprentice and specialty apprentice registration.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Adoption of the temporary rule is necessary to protect the public's health, safety and welfare by clarifying the building codes pertaining to HVAC installations and establishing requirements for specialty journeyman certification, and requirements for apprentice and specialty apprentice registration.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Ted Hogander, Plumbing Bureau Chief, at (208) 332-7154.

DATED this 30th day of December, 2004.

Senate Commerce and Human Resources Committee

DIVISION OF BUILDING SAFETY
Rules Governing Installation of HVAC Systems

Docket No. 07-0701-0501
Temporary Rulemaking

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: 208-332-7100
Fax: 208-855-2164

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0701-0501

000. LEGAL AUTHORITY.

This chapter is adopted in accordance with Sections 54-5001 and 54-5005(2), Idaho Code.
~~(3-16-04)~~(1-1-05)T

(BREAK IN CONTINUITY OF SECTIONS)

004. ADOPTION AND INCORPORATION BY REFERENCE OF THE INTERNATIONAL MECHANICAL CODE, 2003 EDITION.

01. ~~There are no documents that have been incorporated by reference into this rule.~~
The International Mechanical Code, 2003 Edition, including appendix "A", (herein IMC) is
adopted and incorporated by reference with the following amendments: ~~(3-16-04)~~(1-1-05)T

a. Where differences occur between the IMC and Title 54, Chapter 50, Idaho Code and IDAPA 07, Title 07, the provisions in Idaho Code and IDAPA rules shall apply. (1-1-05)T

b. All references to the International Plumbing Code (IPC) shall be construed as referring to the Uniform Plumbing Code (UPC) as adopted and amended by the Idaho State Plumbing Board. (1-1-05)T

c. All references to the International Code Council Electrical Code (ICC EC) shall be construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board. (1-1-05)T

d. Section 312. Sizing requirements shall be as established by the authority having jurisdiction. (1-1-05)T

02. **The International Mechanical Code, 2003 Edition, is available at the Division of Building Safety offices located at 1090 E. Watertower St., Meridian, Idaho 83642 and 1250**

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DIVISION OF BUILDING SAFETY Rules Governing Installation of HVAC Systems

***Docket No. 07-0701-0501
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Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814.

(1-1-05)T

005. ADOPTION AND INCORPORATION BY REFERENCE OF THE INTERNATIONAL FUEL GAS CODE, 2003 EDITION.

01. The International Fuel Gas Code, 2003 Edition, including appendixes "A, B, C, and D," (herein IFGC) is adopted and incorporated by reference with the following amendments: (1-1-05)T

a. Where differences occur between the IFGC and Title 54, Chapter 50, Idaho Code and IDAPA 07, Title 07, the provisions in Idaho Code and IDAPA rules shall apply. (1-1-05)T

b. All references to the International Plumbing Code (IPC) shall be construed as referring to the Uniform Plumbing Code (UPC) as adopted and amended by the Idaho State Plumbing Board. (1-1-05)T

c. All references to the International Code Council Electrical Code (ICC EC) shall be construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board. (1-1-05)T

d. Section 303.3. Delete exception 4. Unvented fuel-burning room heaters shall not be installed in a Group A, E, I, or R occupancy. (1-1-05)T

e. Section 406.4. Change the last sentence to: Mechanical gauges used to measure test pressure shall have a range such that the highest end of the scale is not greater than two (2) times the test pressure nor lower than one and one-half (1.5) times the test pressure. (1-1-05)T

f. Section 406.4.1. Test Pressure. Not less than twenty (20) psig (140kPa gauge) test pressure shall be required for systems with a maximum working pressure up to ten (10) inches water column. For systems with a maximum working pressure between ten (10) inches water column and ten (10) psig (70kPa gauge); not less than sixty (60) psig (420kPa gauge) test pressure shall be required. For systems over ten (10) psig (70kPa gauge) working pressure, minimum test pressure shall be no less than six (6) times working pressure. (1-1-05)T

g. Section 406.4.2. The test duration shall not be less than twenty (20) minutes. (1-1-05)T

h. Section 505.1.1. Addition. An interlock between the cooking appliance and the exhaust hood system shall not be required for appliances that are of the manually operated type and are factory equipped with standing pilot burner ignition systems. (1-1-05)T

i. Section 621.4. Prohibited Locations. Unvented fuel-burning room heaters shall not be installed in a Group A, E, I, or R occupancy. (1-1-05)T

02. The International Fuel Gas Code, 2003 Edition, is available at the Division of Building Safety offices located at 1090 E. Watertower St., Meridian, Idaho 83642 and 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814. (1-1-05)T

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***Docket No. 07-0701-0501
Temporary Rulemaking***

006. ADOPTION AND INCORPORATION BY REFERENCE OF PARTS V (MECHANICAL) AND PARTS VI (FUEL GAS) OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO-FAMILY DWELLINGS, 2003 EDITION.

01. Parts V (Mechanical) and Parts VI (Fuel Gas) of the International Residential Code for One and Two-Family Dwellings, 2003 Edition, including appendixes “A, B, C, and D”, (herein IRC) are adopted and incorporated by reference with the following amendments.

(1-1-05)T

a. Where differences occur between the IRC and Title 54, Chapter 50, Idaho Code and IDAPA 07, Title 07, the provisions in Idaho Code and IDAPA rules shall apply. **(1-1-05)T**

b. All references to the International Plumbing Code (IPC) shall be construed as referring to the Uniform Plumbing Code (UPC) as adopted and amended by the Idaho State Plumbing Board. **(1-1-05)T**

c. All references to the International Code Council Electrical Code (ICC EC) shall be construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board. **(1-1-05)T**

d. Section M1401.3. Sizing requirements shall be as established by the authority having jurisdiction. **(1-1-05)T**

e. Section G2406.2 (303.3). Delete exception 4. Unvented fuel-burning room heaters shall not be installed in a Group A, E, I, or R occupancy. **(1-1-05)T**

f. Section G2417.4 (406.4). Change the last sentence to: Mechanical gauges used to measure test pressure shall have a range such that the highest end of the scale is not greater than two (2) times the test pressure nor lower than one and one-half (1.5) times the test pressure. **(1-1-05)T**

g. Section G2417.4.1 (406.4.1). Test Pressure. Not less than twenty (20) psig (140kPa gauge) test pressure shall be required for systems with a maximum working pressure up to ten (10) inches water column. For systems with a maximum working pressure between ten (10) inches water column and ten (10) psig (70kPa gauge); not less than sixty (60) psig (420kPa gauge) test pressure shall be required. For systems over ten (10) psig (70kPa gauge) working pressure, minimum test pressure shall be no less than six (6) times working pressure. **(1-1-05)T**

h. Section G2417.4.2 (406.4.2). The test duration shall not be less than twenty (20) minutes. **(1-1-05)T**

i. Section G2445.4 (621.4). Prohibited Locations. Unvented fuel-burning room heaters shall not be installed in a Group A, E, I, or R occupancy. **(1-1-05)T**

02. The International Residential Code for One and Two-Family Dwellings, 2003 Edition, is available at the Division of Building Safety offices located at 1090 E. Watertower St., Meridian, Idaho 83642 and 1250 Ironwood Dr., Ste. 220, Coeur d’Alene, Idaho 83814. **(1-1-05)T**

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0057. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Division of Building Safety, HVAC Bureau is located at 1090 E. Watertower Street, Meridian, Idaho. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is: Division of Building Safety, HVAC Bureau, 1090 E. Watertower Street, Meridian, Idaho 83642. The office telephone number is (208) 334-~~3950~~ 6180 and the facsimile number is (208) 855-~~2164~~ 0768. (~~3-16-04~~)(1-1-05)T

0068. FILING OF DOCUMENTS.

All written communications and documents that are intended to be part of an official record for decision in a rulemaking or contested case, must be filed with the administrator of the Division. Communications and documents shall be filed by mail, hand-delivery, or by facsimile transmission. One (1) original must be filed with the administrator, and one (1) copy must be submitted to the opposing parties. Whenever documents are filed by facsimile transmission, originals shall be deposited in the mail the same day or hand-delivered the following business day to the administrator and opposing parties. (3-16-04)

0079. PUBLIC RECORDS ACT COMPLIANCE.

These rules were promulgated in accordance with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. These rules and all records of the HVAC board are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (3-16-04)

00810. CHANGES IN NAME AND ADDRESS -- ADDRESS FOR NOTIFICATION PURPOSES.

01. Change of Name. Whenever a change of name occurs for a certified contractor, journeyman, specialty journeyman, specialty contractor, ~~or~~ registered apprentice, or specialty apprentice, the HVAC board must be notified immediately, in writing, of the change. Documentation confirming the change of name must be provided to the board on request. (~~3-16-04~~)(1-1-05)T

02. Change of Address. Whenever a change of mailing address occurs for a certificated contractor, journeyman, specialty journeyman, specialty contractor, ~~or~~ registered apprentice, or specialty apprentice, the HVAC board must be notified immediately, in writing, of the change. (~~3-16-04~~)(1-1-05)T

03. Address for Notification Purposes. The most recent mailing address on record with the HVAC board will be utilized for purposes of all written communication with certified contractors, journeymen, specialty journeymen, specialty contractors, ~~and~~ registered apprentices, and specialty apprentices, including, but not limited to, notification of renewal and notices related to inspections. (~~3-16-04~~)(1-1-05)T

00911. MEETINGS.

HVAC Board meetings are subject to the provisions of the Idaho Open Meeting Law, Title 67, Chapter 23, Idaho Code. (3-16-04)

0102. DEFINITIONS.

01. Administrator. The administrator of the Idaho Division of Building Safety.

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(3-16-04)

02. Board. The Idaho Heating, Ventilation, and Air Conditioning (HVAC) Board.

(3-16-04)

03. Bureau. The Idaho Division of Building Safety, Heating, Ventilation, and Air Conditioning Bureau.

(3-16-04)

04. Division. The Idaho Division of Building Safety.

(3-16-04)

05. Additional Definitions. Terms defined in Section 54-5003, Idaho Code, will have the same meaning when utilized in these rules.

(3-16-04)

06. Rules. IDAPA 07.07.01, "Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety".

(3-16-04)

0143. CERTIFICATES OF COMPETENCY -- ISSUANCE, RENEWAL, EXPIRATION-REVIVAL.

01. Issuance. Certificates of competency shall be issued in such a manner as to create a renewal date that coincides with the birth month of the individual to whom the certificate is issued and allows for renewals every three (3) years.

(7-1-04)T

a. Certificates of competency shall be issued for a period of no less than one (1) year and no more than (3) three years. For example: a qualified applicant who applies for a certificate of competency in August of year one (1), but whose birthday will not occur until March of year two (2) shall be issued a certificate of competency renewable on the anniversary of the applicant's birth month.

(7-1-04)T

b. The fee for issuance of certificates of competency shall be prorated based on the number of months for which the certificate is issued.

(7-1-04)T

02. Renewal. Certificates of competency shall be renewed in such a manner as to create a staggered system of certificate renewals using the birth month of the individual to whom the certificate is issued as the expiration date.

(7-1-04)T

a. Certificates of competency shall be renewed for a period of no less than one (1) year and no more than three (3) years.

(7-1-04)T

b. The fee for renewal of certificates of competency shall be prorated based on the number of months for which the certificate is issued.

(7-1-04)T

03. Expiration-Revival.

(7-1-04)T

a. Certificates that are not timely renewed will expire on the last day of the month in which the renewal is due.

(7-1-04)T

b. Revived certificates shall be issued in such a manner as to create a renewal date

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that coincides with the birth month of the applicant so as to create a staggered system of renewal.
(7-1-04)T

0124. -- 019. (RESERVED).

020. HVAC CONTRACTOR AND HVAC JOURNEYMAN APPLICATIONS FOR EXAMINATION AND CERTIFICATES OF COMPETENCY, AND REGISTRATION OF APPRENTICES.

Application forms for HVAC contractor, HVAC specialty contractor, ~~and~~ HVAC journeyman, and HVAC specialty journeyman examinations or certificates of competency and for HVAC apprentice or HVAC specialty apprentice registrations, shall be printed and made available by the administrator.
(~~3-16-04~~)(1-1-05)T

01. Application Forms. All applications for certificates and all applications for registration shall be submitted on forms provided by the administrator and shall be properly completed, giving all pertinent information, and all signatures shall be notarized. (3-16-04)

02. Application, Renewal, and Registration Fees. Fees for applications for examination, certificates of competency, renewal of certificates, and fees for apprentice registration shall be as set forth in Section 54-5012, Idaho Code. (3-16-04)

03. Application Submission. All applications shall be submitted to the Board and shall be approved by an administrator before any examination may be taken and before any certificate of competency is issued. (3-16-04)

(BREAK IN CONTINUITY OF SECTIONS)

023. HVAC JOURNEYMAN CERTIFICATES OF COMPETENCY.

01. Requirements for HVAC Journeyman. (3-16-04)

a. Experience. Demonstrate, to the satisfaction of the board, a minimum of four (4) years experience working in the trade, in compliance with the requirements of the state in which the applicant received his supervision, or as a registered HVAC apprentice making HVAC installations on the job under the ~~constant~~ supervision of a qualified HVAC journeyman.
(~~3-16-04~~)(1-1-05)T

b. Education. Successfully complete any required apprenticeship training courses. (3-16-04)

c. Examination. Applicants for certification as HVAC journeymen must successfully complete the examination designated by the board. (3-16-04)

02. Alternate Requirements for HVAC Journeyman (Applies Only Until April 1, 2005).

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(3-16-04)

a. Qualification. Proof, satisfactory to the board, of having been engaged or being qualified to be engaged in the installation, improvement, extension, alteration, or repair of HVAC systems as a journeyman prior to July 1, 2004. Forms of proof include, but are not limited to:

(3-16-04)

i. Copies of journeyman certification; (3-16-04)

ii. Licensure or registration; (3-16-04)

iii. Signed notarized affidavits from employers or labor organizations; or (3-16-04)

iv. Certificates of completion from journeyman educational or training programs. (3-16-04)

b. Examination. Copies of the HVAC statute and rules, along with an examination regarding the statute and rules will be included in each application package. The examination is to be completed using the statute and rules and a written verification of completion of the examination must be submitted at the same time as the completed application for a certificate of competency. (3-16-04)

024. HVAC SPECIALTY JOURNEYMAN CERTIFICATES OF COMPETENCY.

Requirements for HVAC Specialty Journeyman. (1-1-05)T

01. Experience. Demonstrate, to the satisfaction of the board, a minimum of two (2) years experience working in the trade, in compliance with the requirements of the state in which the applicant received his supervision, or as a registered HVAC apprentice or registered HVAC specialty apprentice making HVAC installations on the job under the supervision of a qualified HVAC journeyman or qualified HVAC specialty journeyman. (1-1-05)T

02. Education. Successfully complete any required apprenticeship training courses. (1-1-05)T

03. Examination. Applicants for certification as HVAC specialty journeymen must successfully complete an examination designated by the board. (1-1-05)T

025. HVAC APPRENTICE REQUIREMENTS FOR REGISTRATION.

Requirements for HVAC Apprentice. (1-1-05)T

01. Age. Minimum of eighteen (18) years of age unless registered in a Bureau of Apprenticeship Training (BAT) certified HVAC training program. (1-1-05)T

02. Training. Maintain enrollment in or successfully complete a training program approved by the board. (1-1-05)T

03. Supervision. Work under the supervision of a certified HVAC journeyman. (1-1-05)T

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***DIVISION OF BUILDING SAFETY
Rules Governing Installation of HVAC Systems***

***Docket No. 07-0701-0501
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026. HVAC SPECIALTY APPRENTICE REQUIREMENTS FOR REGISTRATION.

Requirements for HVAC Specialty Apprentice. (1-1-05)T

01. Age. Minimum of eighteen (18) years of age unless registered in a Bureau of Apprenticeship Training (BAT) certified HVAC training program. (1-1-05)T

02. Training. Maintain enrollment in or successfully complete a training program approved by the board. (1-1-05)T

03. Supervision. Work under the supervision of a certificated HVAC journeyman or certificated HVAC specialty journeyman. (1-1-05)T

0247. -- 049. (RESERVED).

Senate Commerce and Human Resources Committee

IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR

**09.02.10 - RULES OF THE EASTERN SNAKE PLAIN AQUIFER
MITIGATION GRANT PROGRAM**

DOCKET NO. 09-0210-0401

NOTICE OF RULEMAKING - TEMPORARY RULE

EFFECTIVE DATE: These temporary rules are effective **March 26, 2004**. These rules shall expire at the conclusion of the next succeeding regular session of the legislature unless they are approved, amended or modified by concurrent resolution.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules. This action is authorized pursuant to Section 67-4702, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of the supporting reasons for temporary rulemaking: **These rules implement the Department's procedures for project selection, award and disbursement of grant moneys for the Eastern Snake Plain Aquifer Mitigation Grant Program. These rules shall expire at the conclusion of the next succeeding regular session of the legislature unless they are approved, amended or modified by concurrent resolution.**

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: **These rules provide a benefit to water right holders in the Eastern Snake Plain Aquifer who have a water right with a point of diversion located within the geographical boundaries of Water District 130 or Water District 36-A, as those Water Districts are defined by the Department of Water Resources.**

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Dwight Johnson at (208) 332-3570 ext. 3209.

DATED this 2nd day of June, 2004.

Dwight Johnson
Legislative Affairs Manager
Idaho Department of Commerce and Labor
ESPA Grant Program
700 West State Street
P.O. Box 83720, Boise, Idaho 83720-0092
(208) 332-3570 ext. 3209 / (208) 334-6430 fax

THE FOLLOWING IS THE TEXT OF DOCKET NO. 09-0210-0401

Senate Commerce and Human Resources Committee

DEPARTMENT OF COMMERCE AND LABOR
Eastern Snake Plain Aquifer Mitigation Grant Program

Docket No. 09-0210-0401
Temporary Rule

IDAPA 09, TITLE 02, CHAPTER 10

09.02.10 - RULES OF THE EASTERN SNAKE PLAIN AQUIFER MITIGATION GRANT PROGRAM

000. LEGAL AUTHORITY.

These rules are promulgated under the legal authority of Section 67-4702, Idaho Code.

(3-26-04)T

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 09.02.10, "Rules of the Eastern Snake Plain Aquifer Mitigation Grant Program".

(3-26-04)T

02. Scope. These rules implement Section (3)(a) of Executive Order No. 2004-02; Paragraph (1)(G) of the Eastern Snake Plain Aquifer Mitigation, Recovery and Restoration Agreement for 2004; and Section 7 of House Bill 843, enacted by the Second Regular Session of the Fifty-seventh Idaho Legislature and signed into law on March 26, 2004. These rules implement the Department's procedures for project selection, award and disbursement of grant moneys for the Eastern Snake Plain Aquifer Mitigation Grant Program.

(3-26-04)T

002. WRITTEN INTERPRETATIONS.

The Department has no written interpretations of these rules.

(3-26-04)T

003. ADMINISTRATIVE APPEALS.

The award of grants under the Eastern Snake Plain Aquifer Mitigation Grant Program is a discretionary action to be performed by the Department, with assistance from the Department of Water Resources and the Eastern Snake Plain Aquifer Working Group of the Natural Resources Interim Committee, in furtherance of Section (3)(a) of Executive Order No. 2004-02 and the legislative purposes authorized under Section 7 of House Bill 843, as enacted by the Second Regular Session of the Fifty-seventh Idaho Legislature and signed into law on March 26, 2004. In light of the discretionary nature of awarding grants, there is no administrative appeal under these rules.

(3-26-04)T

004. OFFICE -- OFFICE HOURS -- ADDRESS AND CONTACT INFORMATION.

01. Address. The mailing address of the Department for information regarding the Eastern Snake Plain Aquifer Mitigation Program is: Idaho Department of Commerce and Labor, ESPA Grant Program, 700 West State Street, P.O. Box 83720, Boise, Idaho 83720-0092.

(3-26-04)T

02. Telephone. The telephone number is (208) 334-2470 and the facsimile machine number is (208) 334-2631.

(3-26-04)T

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03. Office Hours. Office hours are between 8 a.m. and 5 p.m. on regular business days Monday through Friday. (3-26-04)T

005. INCORPORATION BY REFERENCE.

The Eastern Snake Plain Aquifer Mitigation, Recovery and Restoration Agreement for 2004 and the Eastern Snake Plain Aquifer Mitigation Program Application Booklet are incorporated herein by reference. Copies of these documents are available for public inspection and copying at the address indicated above or through the internet at: www.idwr.state.id.us/Committee. (3-26-04)T

006. PUBLIC RECORDS ACT COMPLIANCE.

All rules contained in this chapter are subject to and in compliance with the Idaho Public Records Act (Title 9, Chapter 3, Idaho Code). (3-26-04)T

007. -- 012. (RESERVED).

013. GRANT APPLICATION.

Only completed applications on forms and in formats approved by the Department will be considered for funding. Approved forms and examples of required formats for Grant Applications are contained in the Department's Eastern Snake Plain Aquifer Mitigation Program Application Booklet. Application Booklets are available from the Department at the address indicated above. At a minimum, a completed Grant Application must contain the following: (3-26-04)T

01. Cover Letter. A cover letter, if additional project information is necessary, signed by the authorized official. (3-26-04)T

02. ESPAM Assistance Grant Application. A fully completed and signed ESPAM Assistance Grant Application from the Application Booklet. (3-26-04)T

03. A Budget. A completed Budget that follows the format contained in the Application Booklet. The Budget will be incorporated into the Grant Contract as Attachment "A" if the project is selected for funding. (3-26-04)T

04. Scope Of Work. A completed Scope of Work that follows the format contained in the Application Booklet. The Scope of Work will be incorporated into the Grant Contract as Attachment "B" if the project is selected for funding. The Scope of Work must be a written narrative that provides a clear understanding of the project and how the grant will help solve spring water supply problems. It should succinctly describe how the proposed improvement will: (3-26-04)T

a. Contribute to providing a long-term solution to the spring water supply problems associated with the Eastern Snake Plain Aquifer; (3-26-04)T

b. Be in place and be capable of producing benefits by the beginning of the 2005 irrigation season; and (3-26-04)T

c. Not injure other water right holders. (3-26-04)T

05. Attachments. Attachments may be submitted with the Scope of Work as

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necessary to explain the proposed project. Attachments that will be helpful to the Review Committee may include: (3-26-04)T

- a. Map(s) showing the location and boundaries of the project; (3-26-04)T
- b. Schematics of the proposed project; and (3-26-04)T
- c. Support letters. (3-26-04)T

014. GRANT ELIGIBILITY CRITERIA.

Grant proposals seeking reimbursement for existing improvements are not eligible for funding. To be eligible for a grant from the Eastern Snake Plain Aquifer Mitigation Agreement Grant Program, an applicant must: (3-26-04)T

01. Submit Grant Application. Submit a completed Grant Application within the time period provided for in the Application Booklet. (3-26-04)T

02. Be An Affected Spring Water User. Be an affected spring water user as contemplated by paragraph 1(G) of the Eastern Snake Plain Aquifer Mitigation, Recovery and Restoration Agreement for 2004; (3-26-04)T

03. Hold A Valid Water Right. Hold a valid water right having as its source a spring or a spring-fed stream supplied by water that discharges from the Eastern Snake Plain Aquifer and having a point of diversion located within the geographical boundaries of Water District 130 or Water District 36-A, as those Water Districts are defined by the Department of Water Resources; (3-26-04)T

04. Exhibit A Reduction In Water Availability. Exhibit a reduction in the availability of water due to decreases in spring water flows that significantly reduces the beneficial use made under the above identified water right; and (3-26-04)T

05. Propose An Improvement. Propose an improvement that will: (3-26-04)T

- a. Contribute to providing a long-term solution to the water supply problems associated with the Eastern Snake Plain Aquifer; (3-26-04)T
- b. Be in place and be capable of producing benefits by the beginning of the 2005 irrigation season; and (3-26-04)T
- c. Not injure other water right holders. (3-26-04)T

015. GRANT SELECTION CRITERIA.

In order to optimize the use of limited funds provided by the legislature, the disbursement of funds will be based on priority. The following factors will be used to determine the priority for funding eligible grant proposals: (3-26-04)T

01. Cost. Whether the project can be completed with grant funding of twenty-five thousand (\$25,000) or less. (3-26-04)T

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02. Effective Mitigation. Whether the project will provide mitigation water from a substitute water source on a permanent basis; (3-26-04)T

03. Alternative Funding Sources. Whether funding for the project is available from other sources; (3-26-04)T

04. Availability Of Matching Funds. Whether matching funds are available from other sources; (3-26-04)T

05. Likely Beneficiaries. The number of parties likely to benefit from the grant; (3-26-04)T

06. Project Feasibility. The technical, environmental and legal feasibility of the project; and (3-26-04)T

07. Level Of Support. The level of community support. (3-26-04)T

016. GRANT REVIEW, SELECTION AND AWARD PROCESS.

Grant Applications that have been timely submitted will go through the following review, selection and award process: (3-26-04)T

01. Technical Review. The Department of Water Resources will perform an initial technical review of all completed applications to determine, in its sole discretion, project eligibility according to the grant eligibility criteria. (3-26-04)T

02. Determination Of Priority. The Eastern Snake Plain Aquifer Working Group of the Natural Resources Interim Committee will review all eligible applications against the selection criteria and determine, in its sole discretion, the priority in which each eligible application will be considered for funding. (3-26-04)T

03. Awarding Of Grants. The Department will review the priority rankings established by the Eastern Snake Plain Aquifer Working Group, award grants, send Notices of Award, and begin the Grant Contracting process. Projects will be funded in the order of their priority ranking until all available funds have been obligated. All applicants that are awarded a grant must execute a Grant Contract with the Department within thirty (30) days of the date of their Notice of Award letter. Grantees who fail to execute a Grant Contract within this time period will lose their eligibility for funding. A copy of the Grant Contract that must be executed by the grantee is included in the Application Booklet. (3-26-04)T

017. STANDBY APPLICATIONS.

Applicants meeting the eligibility and selection criteria, but not receiving a Grant Award due to a lower priority ranking or fund unavailability, will become Standby Applications. Standby Application projects shall be eligible for funding in accordance with their priority ranking should grantees with a higher priority ranking fail to timely execute a Grant Contract with the Department. (3-26-04)T

018. -- 999. (RESERVED).

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IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.18.01 - RULES OF THE REAL ESTATE APPRAISER BOARD

DOCKET NO. 24-1801-0501

NOTICE OF RULEMAKING - TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 20, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 54-4106, Idaho Code, and Title X1 of the federal statute.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 19, 2005.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

As mandated by Federal requirements the educational credit for classroom hours is being changed from The appraisal foundation to the Qualifications Board.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)b, Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: Temporary rule is necessary to bring the education requirements into compliance with federal regulations.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this change is necessary to comply with federal requirements.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before January 26, 2005.

DATED this 10th day of November, 2004.

Senate Commerce and Human Resources Committee

BUREAU OF OCCUPATIONAL LICENSES Rules of the Real Estate Appraiser Board

**Docket No. 24-1801-0501
Temporary Rule**

Rayola Jacobsen,
Bureau Chief
1109 Main St., Suite 220,
Boise, ID 83702
(208)334-3233 334-3945 fax

THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-1801-0501

299. REQUIREMENTS FOR LICENSURE/CERTIFICATION (RULE 299).

All applicants for licensure/certification in any real estate appraiser classification must meet the following requirements in addition to those requirements set forth in Sections 300, 350, and 400 below. All applicants for trainee registration must meet the following requirements regarding education set forth in Section 299 in addition to those requirements set forth in Section 430.

(3-13-02)

01. Examination. Successful completion of an examination approved by the Board pursuant to the guidelines of the Appraisal Foundation. (7-1-97)

02. Education. (7-1-97)

a. Credit toward the classroom hour requirement may only be granted where the length of the educational offering is at least fifteen (15) hours, and the individual successfully completes an examination pertinent to the educational offering. (7-1-97)

b. Credit for the classroom hour requirement may be obtained from the following: (7-1-97)

i. Colleges or Universities. (7-1-97)

ii. Community or Junior Colleges. (7-1-97)

iii. ~~Any member of the~~ The Appraisal Foundation Qualifications Board.
(7-1-97)(8-20-04)T

iv. State or Federal Agencies or Commissions. (7-1-97)

v. Other providers approved by the Board. (7-1-97)

c. Only those courses completed preceding the date of application will be accepted for meeting educational requirements. (3-18-99)

d. Course credits which are obtained from the course provider by challenge examination without attending the course will not be accepted. (3-18-99)

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e. Various appraisal courses may be credited toward the classroom hour education requirement. Applicants must demonstrate that their education involved coverage of all topics listed below. Licensed Residential and Certified Residential must include emphasis in one (1) to four (4) unit residential properties; Certified General must include emphasis in nonresidential properties. (7-1-97)

- i. Influences on Real Estate Value. (7-1-97)
- ii. Legal Considerations in Appraisal. (7-1-97)
- iii. Types of Value. (7-1-97)
- iv. Economic Principles. (7-1-97)
- v. Real Estate Markets and Analysis. (7-1-97)
- vi. Valuation Process. (7-1-97)
- vii. Property Description. (7-1-97)
- viii. Highest and Best Use Analysis. (7-1-97)
- ix. Appraisal Statistical Concepts. (7-1-97)
- x. Sales Comparison Approach. (7-1-97)
- xi. Site Value. (7-1-97)
- xii. Cost Approach. (7-1-97)
- xiii. Income Approach. (7-1-97)
- xiv. Valuation of Partial Interests. (7-1-97)
- xv. Appraisal Standards and Ethics. (7-1-97)

f. Advanced courses will be those courses for which an introductory or basic course is required. Typically classes titled "Introductory," "Basic," or "Principles" will not be accepted for advanced requirements. (7-1-97)

03. Experience. (7-1-97)

a. The work product claimed for experience credit must be in conformity with the USPAP or shall be in compliance with generally accepted standards which were in effect at the time those appraisals were prepared. (3-13-02)

b. On or after July 1, 2003, appraisal experience must be obtained as a registered trainee or as a licensed or certified appraiser. A year of experience is equal to a minimum of one

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thousand (1,000) hours worked during a consecutive twelve (12) month period. Regardless of the number of experience hours submitted or obtained during any twelve (12) month period, no more than one thousand (1,000) of those hours may be credited to meet this requirement. Hours obtained in excess of one thousand (1,000) hours during any consecutive twelve (12) month period may not be credited or carried over into the next twelve (12) month period. (3-13-02)

c. Only experience gained during the five (5) years preceding application will be considered for evaluation. (7-1-97)

d. Acceptable non field appraisal experience includes, but is not limited to the following: Fee and Staff appraisal analysis, tax appraisal, appraisal analysis, review appraisal, real estate counseling, highest and best use analysis, and feasibility analysis/study. (3-18-99)

e. An appraiser applying for certification/licensure must verify his completion of the required experience via affidavit, under oath subject to penalty of perjury, and notarized on a form provided by the Board. (7-1-97)

i. To demonstrate experience the Board requires submission of a log which details hours claimed for experience credit. (7-1-97)

ii. The Board reserves the right to contact an employer for confirmation of length and extent of experience claimed. This may require an employer to submit appraisal reports and/or an affidavit. (7-1-97)

iii. The Board may request submission of written reports or file memoranda which substantiate an applicant's claim for experience credit. (7-1-97)

f. Ad valorem tax appraisers who demonstrate that they use techniques to value properties similar to those used by appraisers and effectively use the process as defined in Subsection 010.10, Field Real Estate Appraisal Experience will receive experience credit. (7-1-97)

Senate Commerce and Human Resources Committee

IDAPA 33 - REAL ESTATE COMMISSION

33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION

DOCKET NO. 33-0101-0401 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is April 1, 2004.

AUTHORITY: In compliance with Section 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-2007, Idaho Code.

PUBLIC HEARING: Public hearing concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 17, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a non-technical explanation of the substance and purpose of the proposed rulemaking:

This rule reduces the individual licensing fee by twenty dollars (\$20) per bi-annual licensing period. The Commission decided to reduce the fee amount after conducting an analysis of its budget and the impact of this rule change.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rulemaking confers a benefit, by reducing the individual licensing fee.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

No new fee or charge is being imposed. Rather, this rule *reduces* the fee amount by twenty dollars (\$20) per bi-annual licensing period.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need for temporary rulemaking. Additionally, the rule change is welcomed by all interested persons.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OR WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Donna Jones, (208) 334-3285 ext. 232.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 24, 2004.

Senate Commerce and Human Resources Committee

REAL ESTATE COMMISSION
Rules of the Idaho Real Estate Commission

Docket No. 33-0101-0401 (Fee Rule)
Temporary Rule

DATED this 7th day of October, 2004.

Donna M. Jones
Executive Director
Agency: Idaho Real Estate Commission
Physical Address: 633 N. Fourth St., Boise, ID 83702
PO Box 83720, Boise, ID 83720
(208) 334-3285; (208) 334-2050 (fax)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 33-0101-0401

100. LICENCE FEES.

License fees are established as follows.

(3-15-02)

01. Fees For Licensed Individuals. The fees for an initial or renewing license for broker, associate broker, or salesperson shall be two hundred ~~twenty~~ dollars (\$2200) per license period, which fees include the twenty dollar (\$20) fee prescribed in Section 54-2070, Idaho Code.
(~~3-15-02~~)(4-1-04)T

02. Fees For Licensed Legal Business Entities. The fee for an initial or renewing license for each legal business entity shall be one hundred dollars (\$100) per license period.
(3-15-02)